

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COLONY INSURANCE COMPANY,

Plaintiff,

v.

AIG SPECIALTY INSURANCE COMPANY,

Defendant.

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15-cv-3896 (VSB)

COLONY INSURANCE COMPANY'S
NOTICE OF MOTION FOR
SUMMARY JUDGMENT

PLEASE TAKE NOTICE that pursuant to the Court's authority, Plaintiff Colony Insurance Company will move this Court for summary judgment pursuant to Federal Rule of Civil Procedure 56, for a declaration that:

- a. The AIG Insurance Company Professional Liability Policy in effect for the October 1, 2013, to October 1, 2014, Policy Period affords coverage for the Extra-Contractual Claim made against Colony;
- b. The Policy, subject to the \$1.5 Million retention and \$2 Million limit of the Colony/Schlup Policy, affords coverage for the \$5 Million settlement of the Extra-Contractual Claim and the attorneys' fees, costs, and expenses incurred by Colony in defense of the Extra-Contractual Claim;
- c. AIG is obligated to pay Colony \$2,093,417.87 in reimbursement of the settlement payment and defense costs resulting from the Extra-Contractual Claim;
- d. AIG is obligated to pay 9% pre-judgment interest on this amount since April 6, 2015; and
- e. AIG is obligated to pay post-judgment interest on the judgment;

and for the entry of judgment in the amount of \$2,093,417.87, for pre-judgment and post-judgment interest for AIG's breach of contract, and for such other, further, or different relief as the Court deems just and proper.

There is no issue of material fact, and Colony is entitled to the entry of judgment as a matter of law for the reasons set forth in Colony's Rule 56.1 Statement of Undisputed Material Facts,

Affidavit of R. Wade Vandiver and exhibits attached thereto, Affidavit of Nancy K. Tordai and exhibits attached thereto, and Colony's Memorandum of Law in Support of its Motion for Summary Judgment, each of which are incorporated herein.

Dated: January 20, 2017

Respectfully submitted,

/s/Nancy K. Tordai

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/s/James Walsh

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*Attorneys for Plaintiff
Colony Insurance Company*

CERTIFICATE OF SERVICE

I hereby certify that on January 20, 2017, a true copy of the foregoing **COLONY INSURANCE COMPANY'S NOTICE OF MOTION FOR SUMMARY JUDGMENT** was served, pursuant to the Federal Rules of Civil Procedure, via (i) ECF filing, and (ii) first class mail service offered by the U.S. Postal Service, addressed to defendant's counsel of record as follows:

Robert Novack, Esq.
Bressler, Amery & Ross, P.C.
17 State Street
New York, NY 10004

Executed on: January 20, 2017

/s/ James Walsh
James Walsh, Esq.
One of the counsel for Colony Insurance Company